

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 10, 26-29, and 34-36 are amended. New claim 49 is added. Claims 1-37 and 39-49 are pending in this application.

### **35 U.S.C. § 112**

Claim 10 stands rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully disagrees with this rejection and submits that claim 10 complies with 35 U.S.C. §112, second paragraph. However, in order to expedite prosecution and allowance of the present application, Applicant has amended claim 10 in order to further clarify claim 10. Applicant respectfully submits that the amendment of claim 10 has not been made to overcome any art rejection, and that the amendment of claim 10 is not to be interpreted as having been made to overcome any art rejection.

Accordingly, Applicant respectfully requests that the §112 rejections be withdrawn.

### **Allowable Subject Matter**

In the October 3 Final Office Action, claim 10 was identified as allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph. As discussed above, Applicant respectfully submits that claim 10 complies with 35 U.S.C. §112, second paragraph. Accordingly, Applicant respectfully submits that claim 10 is in condition for allowance.

35 U.S.C. § 102

Claims 1-7 and 11-47 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,262,726 to Stedman et al. (hereinafter "Stedman"). Claim 38 has been canceled without prejudice, thereby rendering the rejection of claim 38 moot. Applicant respectfully submits that claims 1-7, 11-37, and 39-47 are not anticipated by Stedman.

Stedman is directed to factory installing desktop components for an active desktop (see, Title). In Stedman, an installation program is executed and reads desktop component information which includes one or more graphical images associated with the desktop components (see, col. 5, lines 26-32). The installation program then modifies the desktop layout used by the operating system to display a new desktop layout to the end user (see, col. 5, lines 32-35).

Regarding claim 1, claim 1 recites, in part:

receiving information about a prospective user of an operating system, wherein the information includes user preferences for multiple different pieces of hardware of the computer; and  
developing the operating system image, pre-populated with the information, to be installed on the computer.

Applicant respectfully submits that Stedman does not disclose or suggest the receiving and developing of claim 1.

In claim 1, the information includes user preferences for multiple different pieces of hardware of the computer. Applicant respectfully submits that Stedman does not disclose or suggest developing an operating system image pre-populated with information that includes user preferences for multiple different pieces of hardware of the computer.

In the October 3 Final Office Action, reference is made to Stedman at col. 3, lines 11-15, where Stedman discusses that additional components may be installed and may include items such as a tape drive, a CD-ROM, as well as other components that may be been ordered by the customer (see, October 3 Final Office Action at p. 5). However, the mere presence of multiple pieces of hardware does not disclose or suggest developing an operating system image pre-populated with information that includes user preferences for multiple different pieces of hardware of the computer as recited in claim 1. As discussed above, Stedman is simply discussing customization of the desktop layout of the operating system – nothing in the customization of the desktop layout discussed by Stedman discloses or suggests any user preferences for multiple pieces of hardware as recited in claim 1.

Thus, for at least these reasons, Applicant respectfully submits that claim 1 is allowable over Stedman.

Given that claims 2-7, 11-14, and 16 depend from claim 1, Applicant respectfully submits that claims 2-7, 11-14, and 16 are likewise allowable over Stedman for at least the reasons discussed above.

With respect to claim 17, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Stedman does not disclose or suggest receiving information regarding an intended user of a computer, wherein the information includes user preferences for multiple different pieces of hardware of the computer, and automatically customizing an operating system installed on the computer based at least in part on the received information as recited in claim 17.

For at least these reasons, Applicant respectfully submits that claim 17 is allowable over Stedman.

Given that claims 18-25 depend from claim 17, Applicant respectfully submits that claims 18-25 are likewise allowable over Stedman for at least the reasons discussed above.

With respect to claim 41, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Stedman does not disclose or suggest a plurality of programs; a record of user information describing a user, wherein the record includes user preferences for multiple different pieces of hardware of the system; and an interface communicatively coupled to at least one of the plurality of programs and the record of user information, wherein the interface is configured to receive information requests from the at least one program and obtain the requested information from the record of user information as recited in claim 41. For at least these reasons, Applicant respectfully submits that claim 41 is allowable over Stedman.

Given that claims 42-46 depend from claim 41, Applicant respectfully submits that claims 42-46 are likewise allowable over Stedman for at least the reasons discussed above.

Regarding claim 15, claim 15 is directed to a method and recites, in part:

- receiving information about a prospective user of an operating system;

- developing the operating system image, pre-populated with the information, to be installed on a computer;

- wherein the operating system is organized as a plurality of components, and wherein one of the plurality of components is an identity component that includes the information; and

wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information.

Applicant respectfully submits that Stedman does not disclose or suggest the method of claim 15.

In the October 3 Final Office Action, no specific element of Stedman is cited as disclosing the identity component as recited in claim 15. However, Stedman at col. 3, line 65 – col. 4, line 2, col. 4, lines 13-39, col. 6, lines 48-67 is cited as disclosing “wherein the operating system is organized as a plurality of components, and wherein one of the plurality of components is an identity component that includes the information” (see, October 3 Final Office Action at p. 7). It appears from this cited portion that the configuration files 220 are being relied on as disclosing the identity component as recited in claim 15 (Stedman discloses, at col. 6, lines 58-62, that the configuration files 220 maintain a profile for each user, which includes the details of the desktop layout 210 for the particular user, the configuration files 220 being the registry in Windows NT™). If Applicant is incorrect in this understanding of the October 3 Final Office Action, Applicant respectfully requests that the Examiner specifically identify which element of Stedman is being relied upon as disclosing the identity component recited in claim 15.

If the configuration files 220 were the identity component of claim 15 then, using the language of Stedman, Stedman would have to disclose that the configuration files are accessible to other application programs to allow the other application programs to be customized based at least in part on the information included in the configuration files. Applicant respectfully submits that no such disclosure or suggestion exists in Stedman.

It appears that the configuration files 220 of Stedman are the configuration files 710 of Fig. 9 of Stedman (see, col. 5, lines 24-29, and col. 8, lines 2-17). As discussed with reference to Fig. 9, Stedman discloses that at least one entry in configuration files 710 causes the operating system to invoke generic installation program 720 (see, col. 8, lines 15-17). Generic installation program 720 determines which, if any custom installation programs 810, 811, 812 . . . need to be invoked to customize the operating system for the end user (see, col. 8, lines 17-20), based on the entries generic installation file 820 (see, col. 8, lines 20-29). These custom installation programs modify the desktop layout with graphics previously stored in graphics files (see, col. 8, lines 29-32).

The custom installation programs of Stedman, however, are not themselves customized based on the information in the configuration files. Rather, as discussed above, the information in the configuration files is used to determine which of the custom installation program to execute. As such, the custom installation programs cannot satisfy the language “wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information” as recited in claim 15.

In the October 3 Final Office Action it was further asserted that “Stedman’s custom installation programs themselves are being customized by containing the customized components, which are used to customize the operating system” (see, October 3 Final Office Action at p. 3). Applicant respectfully disagrees with this assertion. There is nothing in Stedman that discloses or suggests the custom installation programs being customized based at least in part on information in an identity component. Rather, as discussed above, the information in the

configuration files is used to determine which of the custom installation programs to execute. Stedman discloses that:

Decisions related to the type and quantity of customized files, and therefore the customization performed, on the end user's computer depends on the manufacturer's intention and customizations that may be been requested by the customer (i.e., a corporation may wish to have certain customizations installed on every personal computer it orders for its employees). Custom installation program 810 is copied to nonvolatile storage device 125 along with a corresponding entry written to generic installation file 820 which identifies the name of custom installation program 810.

See, col. 7, lines 55-65. Applicant respectfully submits that there is nothing in this discussion of the custom installation programs, or elsewhere in Stedman, that discloses or suggests the custom installation programs being customized based at least in part on information in an identity component.

Accordingly, Applicant respectfully submits that Stedman does not disclose or suggest wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information as recited in claim 15.

Furthermore, in the October 3 Final Office Action, it was asserted that "As a result, the features recited in amended claim 15 is essentially suggested in Stedman." (see, p. 3). Applicant respectfully points out that "suggested" is not the test for anticipation under 35 U.S.C. §102(e). As set forth in MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In view of this standard, it is respectfully submitted that any features "essentially suggested" in Stedman do not anticipate claim 15.

Thus, for at least these reasons, Applicant respectfully submits that claim 15 is allowable over Stedman.

Regarding amended claim 26, amended claim 26 recites, in part:

accessing a record of user information describing a user, the record being available to a plurality of programs, the record including both information describing the user and data describing hardware preferences of the user; and

customizing the plurality of programs based at least in part on the user information by integrating the information describing the user and the data describing hardware preferences of the user from the record into the one of the plurality of programs.

Applicant respectfully submits that Stedman does not disclose or suggest the accessing and customizing of amended claim 26.

In the October 3 Final Office Action, Stedman is cited as disclosing customization of an OS (see, pp. 3 and 8). As discussed above, this customization discussed in Stedman is customization of a desktop layout of an operating system. Applicant respectfully submits, however, that customization of a desktop layout does not disclose or suggest customizing a plurality of programs which have available to them the record of user information describing a user as recited in amended claim 26. Accordingly, for at least these reasons, Applicant respectfully submits that amended claim 26 is allowable over Stedman.

Given that claims 27-33 depend from amended claim 26, Applicant respectfully submits that claims 27-33 are likewise allowable over Stedman for at least the reasons discussed above.

With respect to amended claim 34, Applicant respectfully submits that, similar to the discussion above regarding amended claim 26, Stedman does not disclose or suggest automatically customizing an operating system installed on the



computer based on the user information by integrating the information describing the user and the data describing hardware preferences of the user from the record into the operating system, and automatically customizing an application program installed on the computer based on the user information by integrating the information describing the user and the data describing hardware preferences of the user from the record into the application program as recited in amended claim 34. For at least these reasons, Applicant respectfully submits that amended claim 34 is allowable over Stedman.

Given that claims 35-37, 39, and 40 depend from amended claim 34, Applicant respectfully submits that claims 35-37, 39, and 40 are likewise allowable over Stedman for at least the reasons discussed above.

Regarding claim 47, claim 47 recites:

One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors of a computer, causes the one or more processors to:

obtain, over a network when the computer is initially booted, a record of user information describing a user; and

automatically customize an operating system installed on the computer based on the obtained user information.

Applicant respectfully submits that Stedman does not disclose or suggest a computer program that causes the one or more processors to “obtain, over a network when the computer is initially booted, a record of user information describing a user” as recited in claim 47. The October 3 Final Office Action asserts that this element is taught by Stedman at col. 4, lines 9-12 (see, October 3 Final Office Action at p. 9). Applicant respectfully disagrees with this assertion. The cited portion of Stedman discusses the operation of a customization section 106 of a personal computer manufacturing process (see, col. 3, lines 6-7, and col.

3, line 65 – col. 4, line 12). There is no teaching, however, that this customization is performed when the computer is initially booted as recited in claim 47. Thus, Applicant respectfully submits that this cited portion does not disclose or suggest to obtain a record of user information describing a user over a network when the computer is initially booted as recited in claim 47.

Thus, for at least these reasons, Applicant respectfully submits that claim 47 is allowable over Stedman.

Accordingly, Applicant respectfully requests that the §102 rejections be withdrawn.

### **35 U.S.C. § 103**

Claims 8-9 and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stedman in view of U.S. Patent No. 6,182,275 to Beelitz et al. (hereinafter “Beelitz”). Applicant respectfully submits that claims 8-9 and 48 are not obvious over Stedman in view of Beelitz.

With respect to claims 8 and 9, claims 8 and 9 depend from claim 1, and Applicant respectfully submits that claims 8 and 9 are allowable over Stedman for at least the reasons discussed above with respect to claim 1. Applicant respectfully submits that Beelitz does not cure, and is not cited as curing, the deficiencies of Stedman as discussed above with respect to claim 1. Thus, for at least these reasons, Applicant respectfully submits that claims 8 and 9 are allowable over Stedman in view of Beelitz.

With respect to claim 48, claim 48 depends from claim 47, and Applicant respectfully submits that claim 48 is allowable over Stedman for at least the

reasons discussed above with respect to claim 47. Applicant respectfully submits that Beelitz does not cure, and is not cited as curing, the deficiencies of Stedman as discussed above with respect to claim 47. Thus, for at least these reasons, Applicant respectfully submits that claim 48 is allowable over Stedman in view of Beelitz.

Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn.

### **New Claims**

New claim 49 is added.

Applicant respectfully submits that, similar to claim 10, the cited references do not disclose or suggest one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors of a computer, causes the one or more processors to: obtain, from a first computer used by a consumer to order a second computer with an operating system, information about a prospective user of the operating system by accessing a bill of materials corresponding to the first computer; and develop an operating system image, pre-populated with the information, to be installed on the second computer. Thus, for at least these reasons, Applicant respectfully submits that claim 49 is allowable over the cited references.

### **Conclusion**

Claims 1-37 and 39-49 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application.

Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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